

Senate Bill No. 1317

Passed the Senate June 20, 2002

Secretary of the Senate

Passed the Assembly June 13, 2002

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 20436, 20437, and 20890.1 of, and to add Section 20432.5 to, the Government Code, relating to retirement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1317, Johannessen. Public employees' retirement: local sheriffs.

The Public Employees' Retirement Law defines "local sheriff" for purposes of prescribing benefits and contribution rates, to include any officer or employee of a sheriff's office of a contracting agency, except specified persons whose functions do not fall within the scope of active law enforcement service.

This bill would expand the definition of "local sheriff" to include marshals or deputy marshals of Shasta County and district attorney investigators of the Counties of Shasta and Butte, subject to specified conditions. The bill would also make conforming and technical changes.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 20432.5 is added to the Government Code, to read:

20432.5. (a) "Local sheriff" also means a regularly employed marshal of Shasta County or of a judicial district of Shasta County. "Local sheriff" also means a regularly employed deputy marshal of Shasta County or of a judicial district of Shasta County, or a district attorney investigator of Shasta or Butte County whose principal duties are to investigate crime and criminal cases, if the deputy marshal or district attorney investigator is a member of the deputy sheriffs' bargaining unit in the county or the judicial district.

(b) An officer or employee who is a local sheriff as defined in this section is not a county peace officer as defined in Section 20436 or 20437.



(c) This section does not apply to the employees of any contracting agency nor to the agency, unless and until the contracting agency elects to be subject to this section by amendment to its contract with the board, made as provided in Section 20474, or by express provision in its contract with the board.

(d) Within 90 days of notice to the county that a risk pool has been established pursuant to Section 20225.5, which makes available the same service retirement formula provided to local sheriff members in the county, the members included in the local sheriff member classification pursuant to this section shall be included in one of the available risk pools.

SEC. 2. Section 20436 of the Government Code is amended to read:

20436. (a) “County peace officer” means the sheriff and any officer or employee of a sheriff’s office of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service even though the employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as deputy sheriffs or equal or higher rank irrespective of the duties to which they are assigned.

(b) Any other provision in this part to the contrary notwithstanding, “county peace officer” also includes and means any inspector, investigator, detective, or person with a comparable title, in any district attorney’s office of a contracting agency whose principal duties are to investigate crime and criminal cases and who receives compensation for this service.

(c) “County peace officer” does not include persons employed to perform identification or communication duties other than persons in that employment on August 4, 1972, who elected within 90 days thereafter to be local safety members. A contracting agency may elect by amendment to its contract to include as “county peace officer” all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 60 days of the effective date of the contract amendment to be local safety members. The election shall apply



to the person's past as well as future service in the employment held on the effective date but may not apply to service following any subsequent acceptance of appointment to a position other than that held on the effective date. This subdivision does not apply to persons employed and qualified as deputy sheriffs or equal or higher rank.

(d) "County peace officer" does not include any officer or employee who is a local sheriff, as defined in Section 20432 or 20432.5.

SEC. 3. Section 20437 of the Government Code is amended to read:

20437. (a) "County peace officer" shall also include the constable and each regularly employed deputy constable and the marshal and each regularly employed deputy marshal of any judicial district. He or she shall receive credit for service as a peace officer for any time he or she served as constable or deputy constable of a township in the same county.

(b) The provisions of this section do not apply to the employees of a contracting agency nor to the agency, unless and until the contracting agency elects to be subject to this section by amendment to its contract with the board, made as provided in Section 20474, or by express provision in its contract with the board.

(c) "County peace officer" does not include any officer or employee who is a local sheriff, as defined in Section 20432.5.

SEC. 4. Section 20890.1 of the Government Code is amended to read:

20890.1. Past county peace officer service shall be converted to local sheriff service if all of the following apply to the past service:

(a) It was rendered in a position that has subsequently been reclassified as a local sheriff position according to the provisions of Section 20432 or 20432.5.

(b) It was rendered by a current employee of the same agency for which the county peace officer service was performed.

(c) It is credited to an employee who has other local sheriff service credit for service performed with the agency.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety



within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to maintain appropriate levels of county public safety services through the recruitment and retention of law enforcement officers, it is necessary that this act take effect immediately as an urgency statute.



Approved _____, 2002

Governor

